IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

CHAMBER SUMMONS NO.1190 OF 2005
IN
SUIT NO.160 OF 2005

Girish Chimanlal Parikh Plaintiff

versus

Siddharth Ramanlal Parikh & ors. Defendants

Mr.Tushar Bhavsar i/by Ranjit & Co. for plaintiff.

Ms.Toval Shah i/by T.Dayabhai & Co. for defendants 2 and 3.

Mr.Kalpesh Nansi i/by M.Ranchhoddas & Co. for defendant no.4.

Ms.Dipti Nazareth i/by Thakore Jariwalla & Associates for defendant no.1.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 13th June 2006

PC :

1. This is a Chamber Summons by the first defendant seeking discovery and inspection of the documents which are referred to and relied upon in the plaint and mentioned in the list of documents as also Schedule-1 to the present Chamber Summons.

2. Ms.Bhuta appearing in support of this Chamber Summons invites my attention to the affidavit in support and more particularly the letters at Exhibits 6, 7 and 8 and submits that part inspection has been granted and now she is restricting her prayer to the documents which are mentioned and referred in paragraphs 8, 9 and 11 of the plaint.

3. Shri Bhavsar states that as far as documents which are mentioned in the Schedule to the Chamber Summons, the application is being contested because this is an fishing and roving enquiry. Such enquiry is totally unconnected with the controversy between parties to the suit.

4. In my view, the larger issue as to whether inspection of all documents which are set out in Schedule-1 to the Chamber Summons and which are also being mentioned in paragraph 11 of the plaint need not be gone into as Ms.Bhuta, on instructions, states that presently first defendant will be satisfied if inspection is given of the documents referred to and relied upon in paragraphs 8 and 9 of the plaint. She reserves liberty to take out appropriate proceedings insofar as balance documents as also

seeking further and better particulars.

5. In my view, in the light of above statements and the agreement between parties to grant inspection of documents which are mentioned in paragraphs 8 and 9 of the plaint on 26th June 2006 at 5.30 p.m. in the plaintiff's attorney's office, no directions are necessary in this Chamber Summons. It is disposed of reserving all liberties as aforesaid.

6. It is needless to observe that as far as bank statements which are enlisted at item no.(i) and (ii) of Schedule-I, the same are not being relied upon by the plaintiff but he relies upon books of accounts and is ready and agreeable to grant inspection thereof so also furnish photocopies to first defendant. In the light of this statement, the plaintiff shall grant inspection of books of accounts as well.

7. Chamber Summons is disposed of. Further needless to add that upon payment of usual costs, charges and expenses, first defendant can take photocopies also. No order as to costs.

(S.C.DHARMADHIKARI, J.)